

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 93

State of North Dakota,

Plaintiff and Appellee

v.

Sergio Ruiz Ledezma,

Defendant and Appellant

No. 20210277

Appeal from the District Court of Stark County, Southwest Judicial District,
the Honorable Dann E. Greenwood, Judge.

AFFIRMED.

Per Curiam.

Amanda R. Engelstad, State's Attorney, Dickinson, ND, for plaintiff and
appellee; submitted on brief.

Laura C. Ringsak, Bismarck, ND, for defendant and appellant; submitted on
brief.

State v. Ruiz Ledezma
No. 20210277

Per Curiam.

[¶1] Sergio Ruiz Ledezma appeals from a criminal judgment sentencing him to twenty years, with five years suspended, and three years of supervised probation after pleading guilty to criminal vehicular homicide. Ruiz Ledezma argues that the sentencing factors were not thoroughly considered and the district court’s consideration of a hearsay statement regarding intent was an impermissible sentencing factor. We conclude the district court did not abuse its discretion in sentencing Ruiz Ledezma, nor does the record reflect that the court substantially relied on an impermissible sentencing factor. The rules of evidence, other than those with respect to privileges, do not apply to sentencing hearings. We summarily affirm under N.D.R.App.P. 35.1(a)(4) and (7); *see State v. Lyon*, 2020 ND 34, ¶ 7, 938 N.W.2d 908 (explaining the sentencing factors are not controlling of the district court’s discretion and are not an exclusive list of all a court may consider when imposing a criminal sentence); *State v. Gonzalez*, 2011 ND 143, ¶ 8, 799 N.W.2d 402 (the sentencing court need not explicitly reference the sentencing factors); N.D.R.Ev. 1101(d)(3)(D).

[¶2] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte